

Statement of Senator Kerry on Cross-Border Trucking
Senate Committee on Commerce, Science and Transportation
July 18, 2001

Mr. Chairman, thank you for holding this timely hearing.

I'd like to make clear at the outset that I take very seriously the importance of honoring our international trade agreements. If we are to expect other nations to abide by international agreements, we must play by the rules as well. So I fully support the President's stated desire to open the border to Mexican-domiciled trucks so that we are in compliance with the February ruling of the NAFTA arbitration panel

Mexico is a valuable trading partner for my state and a strong ally for our nation. Last year, Massachusetts exported \$1.1 billion million worth of goods to Mexico – a 60 percent increase over the previous year. Since NAFTA took effect in 1994, our state's exports to Mexico have more than doubled. Mexico is now Massachusetts' seventh-largest trading partner. Clearly, I do not want to see damage done to our relationship with this important trade partner.

That being said, I believe that when it comes to allowing Mexican trucks on U.S. highways, highway safety and our international obligations need not be mutually exclusive.

I think it's pretty clear that the Administration's rhetoric regarding highway safety did not match the rules that the Federal Motor Carrier Safety Administration promulgated this spring. Last month, I wrote to the President to express my dissatisfaction with these rules and I was joined by nine of my colleagues, all of whom have very strong free trade credentials. Unfortunately, we have yet to receive a substantive response.

According to the rules proposed by the Administration, Mexican-domiciled trucks will not be subject to thorough safety reviews until at least 18 months after receiving full access to American roads, and may not ever be subject to on-site safety reviews. I believe that this delay could seriously jeopardize highway safety, road conditions and environmental quality. The Mexican government does not have a domestic truck safety system that is equivalent to U.S. law – a fact acknowledged by the NAFTA panel. Mexico does not have hours-of-service laws and has only recently proposed the use of logbooks to record driving history. These facts raise the possibility that cross-border truckers could easily enter U.S. highways in fatigued condition. The Department of Transportation Inspector General has argued repeatedly that "fatigue is a major factor in commercial vehicle crashes."

The lack of sufficient inspection resources at the border and the proposed 18-month delay between the approval of general cross-border trucking applications and actual safety enforcement means that trucks may easily enter the United States over federal weight and size limits, a condition both inherently more dangerous to travelers and more stressful to our roadways. The sheer size of these vehicles ensures that when trucks are involved in highway accidents, the damage is disproportionately greater than in non-truck crashes. Although large trucks were involved in only four percent of

injury-only and property-only motor vehicle crashes in 1998, they were involved nine percent of fatal crashes. Greater truck size or weight could easily lead to more serious accidents, resulting in more truck-related fatalities on our highways.

I am pleased that Senator Murray – working with my good friend Senator Hutchison who is on this committee – has crafted language in the Transportation Appropriations bill that addresses many of these safety concerns.

I would also like to see the bill address some of the environmental concerns raised. I'm afraid that without the ability to safeguard emissions standards on trucks entering the US, we may find a further dirtying of the air in cities not only around the border, but up to Dallas, Little Rock and other cities on major interstates that connect to border crossings. I may offer an amendment to address this problem by requiring a joint DOT and EPA study of the impact on US air quality of full implementation of NAFTA's cross-border trucking provisions as a precondition for a full border opening.

Nevertheless, I know that Senator Murray and Senator Hutchison worked many hours to develop the language in the bill, and I am grateful, Senator Hutchison, for the leadership that you both have demonstrated and I thank Chairman Hollings for his leadership on this issue as well.